G R S App F [X 4].

*Previous References*

**1941 -**

( hub )

**File No** 111-41

**Serial Nos** 110, 111

*Later References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos*

✓

**Part B for** August-42

SUBJECT

Amending rule 8 of The Rules re the furnishing of replies to the interpellations tables by the members of the Legislature

To,

The President, Mysore Legislature
L 1311 dt 30-7-42
issues certain instructions
in the matter

hus
10-8-42

6466
L

General and Revenue Secretariat — Mk — File No 135 III of 1941-42 — [App F III—2

| Serial No | |
|---|---|
| | From The Dott, cdf mk cl, Mysore No GT-2506/41-42 Dy 24-4-42 forwarding a copy of resolution of the mk cl Dy 31-3-42 requesting reconsideration of the orders of Govt declining to accept the amendment to Rule 8 of the Rules relating to the furnishing of replies to the interpellations tabled by the members of the mk cl etc — |
| "S" | 1) The Dott, cdy mk cl Mysore in his letter Dy 1-9-41 forwarded for the orders of Govt a copy of the resolution of the mk cl Dy 26-4-41 proposing an amendment to Rule 8 of the rules to the effect that replies to the Interpellations should be furnished to the mk commissions at least 2 days before the meeting instead of Half an hour before the commencement of the meeting |
| "T" | 2) After due consideration Govt in their order No 3189/mk III-41-14 Vetoed the proposal |
| "U" | 3) Again in Dec 41 an amended resolution substituting 24 hours in place of 2 days |

NOTE—Contn. Sheet

WD 04155-1G1 B4-55 000—23 10 41

Furnishing replies to interpellations at the Ml Cl meeting
6082/9h 6466/L — Paper asks

mc File No 111 of 1941 | General and Revenue Secretariat

Serial No

was forwarded to Govt. for orders
4) Govt in their order No RS 137/Ml 111-41-22 Dy 15/12/41 have intimated that there are no reasons to reconsider the orders already passed in the matter. 11/11
5) Now a reconsideration of the orders of Govt. has been requested
6) Sorted for orders with the connected files
Ulls 6/5 7) PL putup ml 47-34-S1, 67 to 80 for 6/5 Tur
8) Sorted with the file referred to above
Ulls 7/5 9) The opinion of the Law Dept. may perhaps be called in the resolution of the Mcl
Law secy for 7/5 Tur
Hm 9/5/42
Asst Secy Law wre) for 9/5 Tur
9/5

SECY LAW DEPT 1015 7 MAY 1942 GOVT OF MYSORE

SECRETARIAT 9 MAY 1942

Law 232 of 41
11 5 42

Serial No

10) Hay B are the Rules framed under Sec 29(2) of the Municipal Act, by the Legal Committee of the Municipal Council

11) The Council wants to amend Rule 8 of the Interpellations in Hap B, to the effect that the answers put up by the President to the Questions shall be sent to each member of the Council, at least 24 hours before the date fixed for the meeting at present the Rule is that the answers shall be placed on the Council table at least ½ an hour before the meeting. The proposal of the Council was rejected by the Govt. Govt. when a Resolution is sent by the Council to Govt to reconsider their finding on the Question

12) The contention of the Council is that for a Rule to be framed under Sec 29(2), an approval of Govt seems to be necessary. No doubt, if Sec 29(2) is read strictly, I think, the contention of the Council holds good. But then let us turn to Sec 49 (a) of the Act, which authorizes among other things every Council to make rules to regulate the conduct of its business, & such rules, on coming into force only obtaining Govt sanction. Now, the holding of meetings, & the right of every Councillor to put a Question to the President in respect of Municipal affairs, in a meeting, do

NOTE—Cont Sheet

Furnishing replies to interpellations at the Mysore city meeting.

File No. 6166/42 of 194 | General and Revenue Secretariat

Serial No

Conduct of the business of Municipal bodies, & any rule, which may be framed by the Council in respect of the conduct of the business, should, under Sec 49 be sent to Govt, for approval Sec 294 therefore has to be read along with Sec 49 of the Act, & as such rules framed under Sec 29(2) have to be approved by Govt. It therefore seems that the Conduct of the Council, does not hold for

13) Govt have thought it unexpedient to ~~approve~~ give their approval to the amendment proposed by the Council, & have rejected the same hence, & except the grounds noted above, no such grounds are open on which Govt is to record their order rejecting the proposed amendment

Law Secretary 13/6/42

14) I agree with the above & as Chapter III of the Act in which Sec 29(2) is found is headed as 'Conduct of business' Section 49(a) is therefore applicable to the case as it relates to conduct of business & the Municipal Council have approval is needed to give effect to any rule or amendment proposed

16/6

Asst Secy 15/6 15) 13/6/42

17/6

BEOY LAW DEPT S-218 16 JUNE 1942. GOVT OF MYSORE

Furnishing replies to interpellations at the Mysore Legislature Session.

J 6466

General and Revenue Secretariat ME | File No 111 of 1941/42 | [App F III-2

Serial No

16) Submitted for orders.
KMS 17/6. GS

17) The above Law opinion will be communicated to the President Mysore Legislature Council and a reply sent to the effect that there are no fresh grounds to reconsider the orders already passed in the matter.

Law Secy 17/6/42
Minister L & S G

18) Submitted with a draft letter for approval
KMS 16/7 GS

19) Revised draft reply put up for approval.
Law Secy 21/7/42
Minister L & S G

20) For perusal
Dewan

CWS 22-7-42
for
Secy
26/7/42

997

SECT. LAW DEPT. S-268 11 DEC 1942 GOVT. OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 17.12.42 No 67

SECT. LAW DEPT. 22 JUL 1942 GOVT. OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 23-7-42 No 881

NOTE—Cont Sheet

WD 041 — GPB—5 000—23 10-41

28/7/42
Issue
CWS 28-7-42
for 28/7/42

6466

mL F. No 111 of 1941/42

General and Revenue Secretariat

Serial No 111

To The Dept, Cyfr mlcl, Hyderabad
no £1311 dt 30-7-42.
Draft cipher cable in Kannada letter

13/8 "

1466
L

G T. No 2506/41-42
Encl one

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Dated 24th April, 42. 19

From B,S Raghavendra Rao, Esq , M A ,(Hons)
~~M.NAVANEETHAM NAIDU, Esq~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

ml 115-41- 110

To

H V NARAYANA RAO, ESQ , B A ,LL B ,
Secretary to Government,
Law Department, Bangalore

SECY LAW DEPT 27 APR 42 GOVT OF MYSORE

Sir,

Re - Amending rule 8 of the Rules relating to the furnishing of replies to the interpellations tabled by the Members of the City Municipal Council

====

With reference to your letter No L 5137/Ml 11-41-22, dated 15th December 1941 regarding the above, I have the honour to state that the letter was placed before the Council at their Meeting held on 22-12-1941 when, the subject was deferred The subject having come up for discussion at the next meeting held on 31st January 1942, Mr P Sitaramiah, Municipal Vice-President pointed out that the Council had power to frame rules and regulations under section 29(2) and that this did not require the approval of Government Further discussion was put off pending examination of the legal aspect of the question At the meeting held on 31st March 1942 The Council passed the enclosed resolution for the reconsideration of Government and I request that early orders of Government be kindly obtained in the matter

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao 24/-

PRESIDENT,
CITY MUNICIPAL COUNCIL,
MYSORE

S N R

437

# MYSORE CITY MUNICIPALITY

## Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 31st March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons ) *President*

2 P Sitaramiah Esq B A B L. *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 Chowdiah Esq
6 M K Linganna Esq B A LL B
7 A N Suryanarayana Rao Esq
8 Mrs B Kameswaramma B A
9 Agaram Rangiah Esq
10 B Narayanaswamy Esq B A B L
11 T Mariappa Esq B A LL B
12 M V Venkataramiah Esq
13 M S Nanjappa Esq
14 G R Rangaswamiah Esq
15 E P Nanjappa Esq
16 ~ Dr A J Ram L M & S
17 G Janardan Naidu Esq
18 Patnam Sreenivasasetty Esq
19 M R C Basappa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Khalilulla Esq M A LL B
23 Haji Mir Amiruddin Khuraichi Esq
24 B L Maridandiah Esq
25 F C Devaraja Urs Esq

ABSENT

26 U L Ramachandra Rao Esq
27 M C Mallappa Esq
28 T Narasimha Iyengar Esq B A B L
29 N Rajagopala Iyengar Esq B A B L
30 S A Kareem Esq
31 *Vacant*

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Deferred Subject No 437 -

Letter No 5137/M1 11-41-42 dated 15th December 1941 from the Secretary to Government, Law Department, stating that there are no reasons to reconsider the orders of Government already passed in the matter of amending the rule 8 of the rules relating to the furnishing of replies to the interpellations tabled by the members of the City Municipal Council, with certain modifications as "24 hours "

Resolved that the Government be requested to reconsider the matter in the light of the following observations -

~~Resolved that the Government be requested to revise their orders in view of the following observations.~~

(1) These rules are in the nature of standing orders of legislative body, and the Council of that legislative body should therefore have powers to revise them from time to time as per the convenience of the house without the approval of an independent rule making body

(ii) These rules are framed under Section 29(2) and not under Section 49 of the Act

Conditions imposed under Section 49 are not applicable to regulations or rules framed under Section 29(2) Even if the Municipal Council had no rule-making power, under a section similar to 49, the Municipal Council would have that power under Section 29(2) of the Act as that is one of the substantive rights granted under the act to every individual Municipal Councillor These rules do not therefore require the approval of the Government before they are brought into force

(iii) Considering from the point of view of practical convenience, it is essential that supplementary questions should be put in after proper consideration, and the time of the Council should not be wasted by unnecessary and irrelevent questions, the rules lay down that all supplementary questions and answers should be recorded in the proceedings book It is therefore necessary that the answers should be placed in the hands of the Councillors 24 hours in advance Unlike the R A and L C the Municipal Council Meetings take place only for a few hours on the day of the meeting whereas in the R A and L C , the questions and answers are taken up each day and the answers will have been placed on the previous day or days

The Council is therefore of opinion that this amendment does not require the kind approval of the Government as per Section 29 (2), and even if that approval is otherwise necessary the Government may be pleased to accord their kind approval considering that it is in the nature of standing orders for the convenience of the business of the house

Proposed by Mr Sitaramiah

Seconded by Mr T Mariappa

" Carried"

'Copy'

B Rajeshwara Rao

President

L 1811

Mu III-41-111

To

The President,

City Municipal Council, Mysore

Sir,

Subject - Amendment of rule 8 of rules re furnishing replies to the interpellations tabled by the Members of the City Municipal Council

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With reference to correspondence ending with your letter No G T 2506/41-42, dated the 24th April 1942, on the above subject, I am directed to state that the contention of the Municipal Council that rules framed under Section 29 (2) of the City Municipalities Act, 1933, do not require the approval of Government cannot be accepted for the following reasons -

Section 29 (2) of the Act which comes under Chapter III relating to the conduct of business at Municipal meetings has to be read along with Section 49 (a) of the Act This latter Section authorises, among other matters, every Municipal Council to make rules to regulate the conduct of its business and such rules or amendments thereto can come into force only after obtaining Government sanction The holdings of meetings and the right of every Councillor to put a question to the President in respect of Municipal affairs in a meeting do come under the purview of municipal business and any rule framed by the Municipal Council in respect of the corduct of its business should, under Section 49, be submitted to Government for approval As such Government consi-

consider that rules framed under Section 29 (2) have to be approved by ~~Government~~ them

As no fresh grounds have been adduced to reconsider the orders passed in the matter above, the proposal of the Municipal Council cannot be sanctioned I have etc

22-7-42

Secretary to Government,
Law Department